

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**IN RE: GOOGLE DIGITAL ADVERTISING
ANTITRUST LITIGATION**

No. 1:21-MD-3010 (PKC)

This Motion Relates To:

**IN RE: GOOGLE DIGITAL ADVERTISING
ANTITRUST LITIGATION**

No. 1:21-CV-07001 (PKC)

**DEFENDANTS GOOGLE LLC AND ALPHABET INC.'S NOTICE OF MOTION TO
DISMISS ADVERTISERS' CONSOLIDATED CLASS ACTION COMPLAINT**

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Alphabet Inc.*

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants Google LLC and Alphabet Inc's Motion to Dismiss Advertisers' Consolidated Class Action Complaint in the above-captioned matter, and the Declaration of Courtney Shadd and exhibits thereto, which are being submitted contemporaneously with this Notice of Motion, Defendants Google LLC and Alphabet Inc. will move this Court, before the Honorable P. Kevin Castel, United States District Judge for the Southern District of New York, located at 500 Pearl Street, New York, NY 10007, at a date and time to be set by the Court, for an Order dismissing with prejudice the federal antitrust claims (Counts I through III and V) in the Consolidated Advertiser Class Action Complaint, ECF No. 399, in their entirety. *See Fed. R. Civ. P. 12(b)(6); Ashcroft v. Iqbal*, 556 U.S. 662 (2009); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007). Google also moves to dismiss all claims by five of the six named Advertiser Plaintiffs on the ground that five named Plaintiffs are bound by valid and enforceable arbitration agreements with Google. *See Fed. R. Civ. P. 12(b)(3) and 12(b)(6)*. In the alternative, Google moves for an order compelling those five Advertisers to arbitrate their claims as they agreed.

Dated: February 3, 2023

Respectfully Submitted,

/s/ Justina K. Sessions
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